



DATE: OCTOBER 11, 2018

FROM: ENVIRONMENTAL MANAGEMENT

SUBJECT: RESOLUTION NO. _____ - ADOPTION OF THE FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND APPROVAL OF THE BERTHS 118 AND 119 [KINDER MORGAN] WHARF REPAIR PROJECT (LOS ANGELES HARBOR DEPARTMENT APPLICATION FOR PORT PERMIT NO. 180417-060; STATE CLEARINGHOUSE NO. 2018081031)

SUMMARY:

Staff requests that the Board of Harbor Commissioners (Board) adopt the Final Initial Study/Mitigated Negative Declaration (IS/MND) for the proposed Berths 118 and 119 [Kinder Morgan] Wharf Repair Project (Project) along with comments and responses to comments, and approve the proposed Project as described in the Final IS/MND.

The proposed Project includes critical wharf repairs and a four year lease extension. Payment of the costs associated with the Final IS/MND and the proposed Project is the responsibility of the tenant.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners (Board):

1. Find that, pursuant to the State California Environmental Quality Act (CEQA) Guidelines Section 15074, the Final Initial Study/Mitigated Negative Declaration for the proposed Berths 118 and 119 [Kinder Morgan] Wharf Repair Project (Project) (a) has been completed in compliance with the State CEQA Guidelines and the Los Angeles City CEQA Guidelines; (b) was presented to the Board for review and was reviewed and considered by the Board prior to approving the proposed Project; and (c) reflects the independent judgment and analysis of the City of Los Angeles Harbor Department as the Lead Agency;
2. Find that, based on the whole record before it, including (a) the information contained in this report and (b) the Final Initial Study/Mitigated Negative Declaration for the Berths 118 and 119 [Kinder Morgan] Wharf Repair Project (Project), the proposed Project would not have a significant effect on the environment pursuant to Public Resources Code Section 21080 and State California Environmental Quality Guidelines Section 15070;

DATE: OCTOBER 11, 2018

PAGE 2 OF 5

SUBJECT: BERTHS 118 AND 119 [KINDER MORGAN] WHARF REPAIR PROJECT

3. Find that all information added to the Final Initial Study/Mitigated Negative Declaration after the public review period, but before adoption, merely clarifies, amplifies, or makes insignificant modifications, and that recirculation is not necessary;
4. Adopt the Mitigation Monitoring and Reporting Program (MMRP) contained in the Final Initial Study/Mitigated Negative Declaration as required by Public Resources Code Section 21081.6 and State California Environmental Quality Act Guidelines Section 15074. The MMRP is designed to ensure compliance with the mitigation measures adopted to mitigate or avoid significant effects on the environment, and identifies the responsibilities of the City of Los Angeles Harbor Department as lead agency and other applicable entities, to monitor and verify project compliance with those mitigation measures and conditions of project approval;
5. Adopt the Final Initial Study/Mitigated Negative Declaration for Berths 118 and 119 [Kinder Morgan] Wharf Repair Project;
6. In consideration of the Final Initial Study/Mitigated Negative Declaration, together with the comment letters received and the responses to comments, approve the Berths 118 and 119 [Kinder Morgan] Wharf Repair Project;
7. Authorize the Environmental Management Division to file the Notice of Determination for the Berths 118 and 119 [Kinder Morgan] Wharf Repair Project with the Los Angeles City and County Clerks; and
8. Adopt Resolution No. _____.

DISCUSSION:

Project Background/Context – Kinder Morgan has operated the terminal at Berths 118 and 119 under Permit 708 since 2000, when Kinder Morgan acquired GATX. Permit 708 was first issued to GATX in 1988 and had an original term of 25 years, expiring in April of 2013. In February 2013, the Board granted a First Amendment to Permit 708 that extended the term of the permit for 5 years. In May 2017, the Board approved a Second Amendment to Permit 708 to allow for another 5-year extension. The current permit expires in April of 2023. In March 2018, Kinder Morgan received a letter from the California State Lands Commission (CSLC) requesting that wharf repairs be made to Berths 118 and 119. The repairs were required to allow the facility to continue operations at this location until April 2023.

Project Objectives – The primary goal of the proposed Project is to design and construct structural and berthing repairs to Berths 118 and 119 to comply with the March 2018 CSLC mandate. The proposed Project involves repairs to the existing fender system, timber structural piles, and timber superstructure. Construction activities are expected

DATE: OCTOBER 11, 2018

PAGE 3 OF 5

SUBJECT: BERTHS 118 AND 119 [KINDER MORGAN] WHARF REPAIR PROJECT

to take approximately six months. Work will involve pile removal and installation of a new central berthing point. The result of these repairs would be consistent with an agreement reached with the CSLC in March 2018. The repairs would allow for the continued operation of the marine terminal under Permit 708 until the permit expires in April 2023 when Kinder Morgan anticipates moving to a new facility within the Port of Los Angeles.

Project Description – The proposed Project consists of constructing a berthing structure designed to the CLSC mandated requirements for Berths 118 and 119 – Kinder Morgan. Specifically, the proposed work would consist of repair of several existing wharf-support timber piles, installation of one new wharf-support pile, new fender piles, a berthing structure, new steel piles, and wharf deck work including, but not limited to repairing pile splits, repairing deficient pile connections, repairing damaged pile caps, joists, decking, crossbrace and bull rail. The over-water footprint of the repaired structure would remain unchanged from the existing footprint.

ENVIRONMENTAL ASSESSMENT:

CEQA Documentation and Public Involvement – The City of Los Angeles Harbor Department (Harbor Department), as the CEQA Lead Agency, has prepared an IS/MND for the proposed Project in compliance with the State CEQA Guidelines and the Los Angeles City CEQA Guidelines which contains the following: a description of the proposed Project and location, an initial study checklist, and an analysis of potential impacts and proposed findings.

The Draft IS/MND was circulated for public review and comment for a period of 30 days beginning on August 13, 2018, and ending on September 11, 2018. In accordance with State CEQA Guidelines §15072, a Notice of Intent (NOI) to adopt the IS/MND was issued on August 13, 2018. Approximately 90 notices were mailed to agencies, stakeholders, neighbors and other interested parties. The NOI and accompanying Draft IS/MND was filed with the Los Angeles City and County Clerks and was made available for public review on the Port of Los Angeles website at: <http://www.portoflosangeles.org>; at the Harbor Department Environmental Management Division at 222 West 6th Street, San Pedro, CA 90731; at the Los Angeles City Library, San Pedro Branch at 931 Gaffey Street, San Pedro, CA 90731; and at the Los Angeles City Library, Wilmington Branch at 1300 North Avalon, Wilmington, CA 90744. Pursuant to State CEQA Guidelines § 15073, the Draft IS/MND was submitted to the State Clearinghouse for review by state agencies. A public hearing was not conducted during the public review period for the Draft IS/MND and is not required pursuant to State CEQA Guidelines § 15202.

Public Comments Received and Response to Comments – Three comment letters were received during the public review period for this Draft IS/MND. The letters are from the CSLC, the South Coast Air Quality Management, and Caltrans. Copies of the comment letters and staff responses are included in the Final IS/MND (Transmittal 1).

DATE: OCTOBER 11, 2018

PAGE 4 OF 5

SUBJECT: BERTHS 118 AND 119 [KINDER MORGAN] WHARF REPAIR PROJECT

Based on the comments provided, staff identified no new environmental effects that were not assessed in the Draft IS/MND and no mitigation is required. Specific wording changes and clarifications requested by CSLC have been made. Changes added to the Final IS/MND after the public review period merely clarify, amplify, or make insignificant modifications. None of the issues raised during the comment period trigger the need to re-circulate the Final IS/MND pursuant to the requirements of State CEQA Guidelines §15073.5.

Finding and Conclusions – The Final IS/MND includes a discussion of the proposed Project's effects on the existing environment. No significant effects on the environment were identified and no mitigation is required (Transmittal 2).

Record of Proceedings – When adopting an IS/MND as required by State CEQA Guidelines §15074, the public agency shall specify the location and custodian of the documents or other material, which constitute the record of proceedings upon which its decision is based. These records are in the care of the Director of Environmental Management, City of Los Angeles Harbor Department, 222 West 6th Street, San Pedro, CA 90731.

Notice of Determination – In accordance with the State CEQA Guidelines §15075, a Notice of Determination will be filed with the Los Angeles City and County Clerks after the proposed Project is approved. The filing of the Notice of Determination starts a 30-day statute of limitations on court challenges to the approval under CEQA.

FINANCIAL IMPACT:

On August 23, 2018, the Board approved an agreement with Kinder Morgan to reimburse the Harbor Department one hundred percent of staff and consultant costs associated with the preparation of this IS/MND. Additionally, the proposed Project will be constructed and paid for by the tenant.

CITY ATTORNEY:

Based on the information presented to the City Attorney's Office, the Board may find that the Final IS/MND for the proposed Project has been completed in accordance with CEQA.

DATE: OCTOBER 11, 2018

PAGE 5 OF 5

SUBJECT: BERTHS 118 AND 119 [KINDER MORGAN] WHARF REPAIR PROJECT

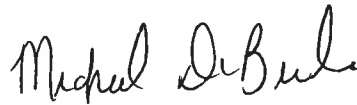
TRANSMITTALS:

1. Final Initial Study/Mitigated Negative Declaration for the Berths 118 and 119 [Kinder Morgan] Wharf Repair Project
2. Mitigation Monitoring and Reporting Program

FIS Approval: ME
CA Approval: CRB



CHRISTOPHER CANNON
Director of Environmental Management



MICHAEL DiBERNARDO
Deputy Executive Director

APPROVED:



EUGENE D. SEROKA
Executive Director

CC/YO
AUTHOR: E. SHEEHY
APP NO.: 180417-060

FILE: Y:_ADMIN_BOARD REPORTS_CEQA\KINDER MORGAN WHARF REPAIR MND\Environmental_Kinder Morgan MND_Board Report - FINAL.docx
UPDATED: 10/11/2018 10:10 AM - YO